



June 24, 2025

**Tistrya Houghtling
Town Supervisor
P.O. Box 328, 14755 State Route 22
New Lebanon, NY 12125**

**RE: PIN 8763.43, NEW LEBANON WALKABILITY IMPROVEMENT
T OF NEW LEBANON, COLUMBIA COUNTY**

**AUTHORIZATION TO PROCEED
TO PRELIMINARY DESIGN**

Dear **Supervisor Houghtling**:

Please take a few minutes to read this letter in its entirety as it contains important information regarding the next steps in the project development process.

The **Town of New Lebanon** (hereafter referred to as “the administering agency”) is authorized to proceed with preliminary design work for the above-referenced project. All eligible expenses associated with these project phases incurred after the date of this letter are federally reimbursable. For a list of typical activities associated with each project development phase, see the attachment titled “Project Development Phases and Activities.” While it is necessary to prepare conceptual project plans prior to Design Approval, the development of detailed plans and other detailed design phase activities should not begin until after Design Approval has been granted.

MANUAL ON-LINE:

The New York State Department of Transportation (NYSDOT) Local Projects Manual describes the various processes and documentation required for administering agencies (Sponsors) to progress federally local transportation projects. The latest version of the Local Projects Manual (LPM) can be found on NYSDOT’s website at <https://www.dot.ny.gov/plafap>.

AUTHORIZATION TO PROCEED:

You are advised that this authorization to proceed is limited to preliminary design. This authorization to proceed with preliminary design is based upon our receipt of the locally executed State-Local Agreement (SLA) and phase authorization by the Federal Highway Administration (FHWA). State execution of the agreement involves obtaining signatures from the New York State Attorney General’s Office and the Office of the State Comptroller (OSC) and may take up to two months to complete. You are advised that beginning preliminary design prior to State execution of the project agreement carries some risk. We are not aware of a situation in which a locally executed project agreement was not executed by the State, but it could happen. Commencement of preliminary design; therefore, constitutes an acceptance of this risk. Regardless of your decision to start work now or to wait until the project agreement is executed by the State, we cannot reimburse any eligible project expenses until the project agreement is fully executed.

All federal aid projects should be advanced to the same scope for which they were approved for funding. Should compelling reasons arise that dictate a change in project scope, those reasons must be documented, and a scope change request must be sent to this office for approval. All such scope change requests should occur before Design Approval is obtained.

REIMBURSEMENT REQUESTS:

After OSC has approved the SLA, the administering agency will receive a copy of the fully executed SLA. The administering agency may then submit monthly progress reimbursement requests to NYSDOT. Reimbursement requests are prepared by the administering agency and must be certified by the Responsible Local Official (RLO). NYSDOT recommends that reimbursement requests not be submitted more frequently than monthly for a typical project. Reimbursement requests of \$500.00 or greater are preferred. Reimbursement requests less than \$500.00 will be accepted at the Regional Local Project Liaison's (RLPL) discretion.

In all cases, reimbursement requests against each phase must be submitted at least once every six months, to demonstrate that the project is progressing. Failure to request reimbursement within twelve months of Authorization to Proceed and OSC's approval of the SLA can result in the loss of federal funding for a project. Loss of federal funding may result in NYSDOT initiating action to recover any losses from prior reimbursements.

Reimbursement requests must be submitted by the administering agency to this office and include One (1) set of applicable forms (FIN 426LL, 427LL, 428LL, and direct cost summaries), one (1) set of backup documents, and one (1) signed Certification by Sponsor.

The following forms: FIN 426LL, 427LL, 428LL, and Certification are tabs within an Excel spreadsheet titled "[Sponsor's Reimbursement Request Forms](#)" and found under [Related Forms in Chapter 5 of the NYSDOT Local Projects Manual \(LPM\)](#). For a [Local Project Reimbursement Request Checklist](#), see Appendix 5-9 of the LPM. Blank Consultant Forms ([FIN 421LL](#), [FIN 422LL](#), [FIN 423LL](#), and [CONR 324-2LL](#)) may be found online in the Forms section of [Chapter 5 of the LPM](#).

CONSULTANT PROCUREMENT:

Should the need arise to acquire professional consultant assistance to progress this project, procurement of an appropriate firm must be done per [Chapter 6: Consultant Procurement and Administration](#) of the Local Projects Manual.

The selection of a Consultant is **Qualifications Based**. Two common methods of Consultant Procurement are:

1. **Project Specific**
 - a. Using the project-specific method requires widespread advertisement by placing an ad in the contract reporter and official local newspapers.
2. **New York State County Highway Superintendent Association's (NYSCHSA) Local Design Service Agreement (LDSA) list.**
 - a. Using the NYSCHSA's LDSA list requires **ALL** firms for the Region to be contacted by the Sponsor requesting a Request for Qualifications (RFQ) for the specific project.

Responsibility for selecting a consultant following federal rules, negotiating and executing a contract with the designated consultant, and managing the consultant throughout the project rests solely with the administering agency. Agreements between Sponsors and consultants are

not subject to NYSDOT approval to qualify for federal reimbursement although they must include all federal requirements. Federal aid is contingent on meeting federal requirements and may be withdrawn if the procedures are not followed and documented. The Sponsor's files must be maintained in a manner that facilitates future FHWA/NYSDOT process review.

Linked are the following documents to assist in the Procurement of a Consultant:

- [Guidelines for LDSA Selection](#)
- [Consultant Procurement Process](#)
- [Region 8 Local Design Service Agreement \(LDSA\) List](#)
- [Sample Consultant Agreement Advertisement](#)
- [Sample Scope of Services](#)
- [Sample Consultant Agreement](#)
- [Sample Consultant Agreement Requirements](#)
- [Sample Pre-Negotiation Audit Report](#)
- [Sample Consultant Selection LDSA Cover Letter](#)
- [Sample Request for Qualifications from LDSA list](#)
- [Sample Letter for Oral Presentation](#)
- [Project Manager Checklist](#)
- [Sample Cost Proposal](#)

Linked are the following documents that should be returned to this office:

- [Selection Committee Score Sheet](#)
- [Federal Aid EBO Template \(DBE\)](#)
- [Consultant Procurement Certifications](#)
 - Consultant Procurement Certification Transmittal Letter
 - Consultant Certification
- [Fully executed Consultant Agreement](#)
- EBO System Request Forms, if necessary
 - [Sponsor Request for EBO](#)
 - [Consultant/Contractor Application](#)
- ProjectWise Account Information, if necessary
 - [Bentley IMS account name](#)

DESIGN REPORT:

Whether you acquire consultant assistance or perform preliminary design activities with in-house staff, a design report (Design Approval Document) must be written. Preparation of the design report is an important part of the project development process, because it summarizes all project-related decisions, documents the results of coordination with regulatory agencies, identifies social, economic, and environmental impacts resulting from the project, and serves as the basis for making eligibility, engineering, and environmental determinations. As such, the design report must contain a complete, detailed description of all proposed project improvements, whether federally funded or not, and all associated impacts, and document the project's independent utility and logical termini.

The format and content requirements of the design report are described in the [NYSDOT Project Development Manual \(PDM\) – Appendix 7](#) and [NYSDOT Highway Design Manual \(HDM\)](#). Please refer to [PDM Exhibit 7-1](#) to determine the appropriate design report format for your project. Report shells with guidance and sample statements are available on NYSDOT's website at <https://www.dot.ny.gov/portal/page/portal/divisions/engineering/design/dqab/pdm>.

The design report formats shown in the PDM and HDM have been developed for typical highway and bridge projects. Please follow the appropriate design report format and address all topics/elements presented in this format. Attachments to the design report are required to document all engineering and environmental requirements. See [PDM Appendix 7, Section 6](#) for more information on design report appendices and [PDM Exhibit 7-11](#) for a list of recommended appendices to be included with the report. [LPM Appendix 8-4: Locally Administered Project: Design Report Completeness Review Checklist](#), shall be filled in by the Sponsor or their Designee where indicated by “Completed by Sponsor or Designee” or “S Check” and submitted with the design report.

DESIGN CRITERIA:

Design criteria are standard values for critical project elements that should be met during the design of the project. The Local Projects Unit must concur with the design criteria selected for the project. The Local Projects Unit will review the design criteria during the review of the design report.

All projects should be designed to meet or exceed the design criteria. In some situations, there may be compelling reasons why a design criterion cannot be met. In these cases, an effort should be made to incrementally improve the feature. All non-standard features contained in the final design must be justified based upon roadway continuity, accident history, environmental impacts, and cost to meet the standard; non-standard feature justification is an important part of the design report. For further information regarding standards and non-standard feature justification, see the [NYSDOT PDM](#), [HDM Chapter 2](#), and [LPM Chapter 9](#). Non-standard feature justification forms can be found on NYSDOT’s website at <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-2>.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) SPECIFICATIONS:

All federally funded local projects must be designed and built in accordance with current [NYS Department of Transportation specifications for construction and materials](#). Under no circumstances should a construction specification contain references to State-supplied materials, labor, inspection or testing. Similarly, the plans and specifications should not contain proprietary items unless prior approval is obtained from the Local Projects Unit. [LPM Chapter 9](#) provides more information regarding appropriate construction and material specifications.

REGULATORY AGENCIES:

During the preliminary design phase, early coordination with regulatory agencies, involved agencies (including utility companies and railroads), other municipalities, affected property owners and the general public is required by law. Care should be taken with regard to coordination with adjacent property owners. Any premature discussion of right-of-way compensation may jeopardize federal eligibility. Coordination with agencies regarding certain issues will require documentation of final agency decisions in the design report. At a minimum, every project must be discussed at a public information meeting that is widely advertised and open to the general public. Affected property owners, business owners, school officials and emergency service providers should be directly invited to all public meetings relative to the project. For many projects, several public meetings may be appropriate. Results of public meetings must be documented in the design report. Other coordination activities, such as executing utility agreements and applying for and securing permits, is done after the preliminary design phase has been completed and design approval has been granted. [LPM Chapter 10](#) contains further information regarding coordination with utility companies and railroads.

ENVIRONMENTAL SCREENING:

There are a number of environmental issues that must be addressed in the Design Report. Environmental screenings are done for all potential environmental issues to determine if more detailed analyses are required. Two initial environmental screenings that need to be completed are to screen for potential effects on historic and cultural resources (Sections 106 and 4(f)) and on endangered species (Section 7).

For Section 106 and 4(f) screening, a project submittal package must be prepared and sent to the Local Projects Unit for coordination with State Historic Preservation Office (SHPO), for Section 7 screening an Endangered Species package must be prepared and sent to the Local Projects Unit for coordination with the United States Fish and Wildlife Service, the Federal Highway Administration, and other participating federal agencies. For additional guidance and required steps needed to be completed to generate the Section 106 and Section 7 packages, please reference the Region 8 Local Projects checklists that are provided to project sponsors.

Information regarding the environmental review process and analyses and coordination with regulatory agencies can be found in [LPM Chapter 7](#).

SPONSOR RESPONSIBILITY:

Responsibility for project development rests with the administering agency. **As such, key documents must be reviewed by the administering agency prior to submission to the LPU.** We prefer not to accept the submission of key project documents from a consultant firm. Also, note that we will not review a key project document until all pre-requisite activities have been completed. For example, we will not review plans and contract documents unless and until design approval has been secured.

REQUIRED PRELIMINARY DESIGN SUBMITTALS:

At the conclusion of the preliminary design phase, the administering agency must submit the following to the Local Projects Unit:

- Final Design Report (following the format in [PDM Appendix 7](#))
- Design Approval Request Memo (following the format in [LPM Chapter 8](#))

REVIEW OF KEY PROJECT DOCUMENTS BY LPU:

LPU review of the design report, contract documents and other key project documents is required and is performed on a first come, first served basis. Typical review times are between six to eight weeks, but may vary based on the number of documents ahead of your project document in our review queue. We will continue to strive to minimize our review times. You can help to speed review times by ensuring that your project documents are complete, accurate and conform to federal requirements.

We will review the design report for project eligibility and obtain a National Environmental Policy Act (NEPA) determination in accordance with [LPM Chapter 7](#). Our review will be based on the contents of the design report, the final SEQRA decision by the lead agency, and the determinations of all appropriate involved agencies. Once all environmental determinations have been made, Design Approval is granted by the Responsible Local Official (RLO) per [LPM Chapter 8](#). However, if the project is on the State Highway System or National Highway System (NHS), Design Approval must be granted by the NYSDOT Regional Director.

LOCAL PROJECTS UNIT:

Members of the Local Projects Unit are available to answer any questions or provide guidance at any stage of project development. For your information, members of the LPU and their areas of expertise are:

Giselle Conrad	(845) 431-5731	Giselle.Conrad@dot.ny.gov
funding, agreements, reimbursement requests & consultant procurement		
Danielle Rispoli	(845) 431-5724	Danielle.Rispoli@dot.ny.gov
funding, agreements, reimbursement requests & consultant procurement		
Jodeci Brown	(845) 431-5817	Jodeci.Brown@dot.ny.gov
preliminary design, detailed design & environmental procedures		
Erich Markert	(845) 431-5774	Erich.Markert@dot.ny.gov
environmental procedures		
Orietta Trocard	(845) 437-3386	Orietta.Trocard@dot.ny.gov
bidding & award documentation, construction, inspection procedures & civil rights compliance		

We offer a meeting to discuss the preliminary design phase before work is started. Please contact us at (845) 431-5884 if you would like to schedule this meeting or teleconference.

Sincerely,

Orietta Trocard

Orietta V. Trocard, P.E.
Regional Local Projects Liaison
Region 8 Local Projects Unit

Attachments:

LPU Federal Aid Process Handout
Project Development Phases and Activities
LPU estimated submittal review times
LPU State & Federal Historic Preservation, Section 106 & 14.09 Checklist
LPU Endangered Species Act, Section 7 Checklist